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PATENT  
ATTORNEY DOCKET NO. 00786/339004

Certificate of Mailing: Date of Deposit: <u>May 6, 1998</u>	
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as <b>first class mail</b> with sufficient postage on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.	
<u>Noreen Lehan</u>	<u>Noreen Lehan</u>
Printed name of person mailing correspondence	Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dong et al. Art Unit: 1804  
Serial No.: 08/908,884 Examiner:  
Filed: August 8, 1997  
Title: Acquired Resistance Genes and Uses Thereof

RECEIVED

MAY 15 1998

DATE RECEIVED  
MAY 15 1998

BOX MISSING PARTS  
Assistant Commissioner of Patents  
Washington, D.C. 20231

REPLY TO NOTICE TO FILE MISSING PARTS

In reply to the Notice to File Missing Parts of Application mailed December 8, 1997 (a copy of which is enclosed), Applicants as a large entity submit herewith the following:

- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR 1.63.
- ☒ Payment of the surcharge of \$130.00 for late filing of the declaration.

Enclosed is a petition to extend the period for replying for three months, to and including May 8, 1998. If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 6 May 1998

Karen L. Elbing  
Karen L. Elbing, Ph.D.  
Reg. No. 35,238

Clark & Elbing LLP

176 Federal Street  
Boston, MA 02110 130.00 DP  
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**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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08/908,284 08/08/97 DONG

X 00786/33904

0242/1208

CLARK & ELBING  
176 FEDERAL STREET  
BOSTON MA 02110

NOT ASSIGNED

1804

DATE MAILED:

12/08/97

**NOTICE TO FILE MISSING PARTS OF APPLICATION  
Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items 1 and 3-6 only of \$ 130.00 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a*  
☒ large entity ☐ small entity (verified statement filed), is \$ 130.00.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
- ☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.
- ☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ \_\_\_\_\_ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the response.**

Team 4/RR  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202